

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday, September 13, 2010**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:10 pm.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley called the meeting to order. Mr. Chip Boling provided the Invocation and Committee Member Cathy Davis led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley: "First is the approval of minutes from the August 9, 2010 meeting."

Committee Member Pinckney: "So move"

Committee Member Fish: "Second"

Chairman Farley: "I have a motion and a second. Are there any corrections? (No Response) All in favor please say yes (Yes) All opposed? (No Response) Minutes stand approved as presented."

It was moved by Committee Member Pinckney and seconded by Committee Member Fish to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration prior to First Reading of the following:

1. Request by Daniel Gowdown & Franklin Hanna for Royal Palmetto Properties, 129 Harvest Time Place, Daniel Island, TMS #271-00-02-184 (1.03 acres), from R1-MM, Multi-section Residential District to GC, General Commercial District. Council District No. 8.

[Staff recommended Denial]

[Planning Commission recommended conditional approval]

Chairman Farley: "Mr. Greenway?"

Mr. Eric Greenway, Zoning Administrator: "This particular piece of property is currently zoned for manufactured housing. It is adjacent to an existing boat sales storage facility down there and is sandwiched in between that and a SCE&G utility substation. We at the staff level feel that this is an appropriate rezoning for this property to be rezoned from residential to general commercial because it is sandwiched in between those two non-residential uses and it also is very close to 526. It is very unlikely that anyone would ever develop this property from a residential standpoint. So we feel it is in the best interest of the county and the land use plan for that area for the property to be rezoned to general commercial. And that is all we have unless you all have any questions."

Committee Member S. Davis: "Mr. Chairman, why did staff recommend denial initially, unless I'm looking at the wrong thing?"

Mr. Greenway: "We did recommend denial initially because we had some issues with regards to the access requirements there. When we out to post the property, the utility substation had a gate up along the main road there for this access drive leading back to this property. We wanted to make sure that we had an opportunity to work that out and the attorneys for the applicants have since worked that out and we just need that final documentation based on the Planning Commission recommendation to approve, but to hold Third Reading until we got word that that access issue had been resolved."

Committee Member S. Davis: "Move for approval under those conditions."

Committee Member Pinckney: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve prior to First Reading, the Request by Daniel Gowdown & Franklin Hanna.** The motion passed by unanimous voice vote of the Committee.

2. Request by Marion & Kelley Hall, located 400 +/- L.F. northwest from the intersection of State Road & Alexander Circle, Summerville, TMS #209-02-01-067 (1.02 acres), from R2, Manufactured Residential District to RNC, Rural & Neighborhood Commercial District. Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "This particular piece of property is another unique situation here on Hwy. 176 near Alexander Circle. This particular piece of property is sandwiched in between a parcel that was rezoned by you all a few months ago for the individual to relocate his landscape business there. He has since worked out a land swap with the church which sits to the left of this

property if you are standing on 176. He gave them some land to the rear of their building in exchange for the land to the side of their building in order to give them the ability to expand their sanctuary in the future. He would like to rezone this property to be consistent with his business that he is establishing there. We do have a problem with the rezoning. We think it makes sense in this particular location because it does have the church to serve as a buffer from any residential uses. Therefore, we support the rezoning and recommend approval. And that is all I have unless you all have any questions.”

Committee Member Schurlknight: “Move for approval”

Committee Member S. Davis: “Second”

Committee Member Fish: “Mr. Chairman? I would ask to be recused from this because of my relationship (business) with the client.”

Chairman Farley: “Ok. Mr. Fish will be recusing himself on this issue. I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries.”

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve prior to First Reading, the Request by Marion & Kelley Hall.** The motion passed by majority voice vote of the Committee.

3. Request by Nathaniel Myers, 2538 Clements Ferry Road, Charleston, TMS #271-00-01-034 (7.82 Acres) from GC, General Commercial to LI, Light Industrial. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: “This particular piece of property is currently zoned General Commercial. It had established some time ago an intermodal freight facility on the property that ceased operating for a period of time. I’m not sure how the intermodal freight facility was allowed to operate in general commercial because that was outside of the bounds of the general commercial classification and I’m not saying that anyone was violating the zoning regulations here. The County did back in early 2000 issue a permit for someone to establish an office for that use on this property zoned general commercial. It is not something that I could write a letter on for the attorney when they ask me to do so for a new user to move in there, so we have to rezone the property.”

Committee Member S. Davis: “Move for approval”

Committee Member Schurlknight: “Second”

Chairman Farley: “I have a motion and a second. Is there any more discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries.”

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve prior to First Reading, the Request by Nathaniel Myers.** The motion passed by unanimous voice vote of the Committee.

4. Request by Howard & Kay Krauss, 2491 Clements Ferry Road, Charleston, TMS #271-00-02-148 (2.252 acres) from GC, General Commercial District to LI, Light Industrial District. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "Similar situation here that you have as on the previous situation. These folks were previously operating a cabinet manufacturing distribution use from this property. It was general commercial. They've leased the building or would like to lease the building to a company that wants to do some sort of pharmaceutical equipment and distribute from this facility, so again we need to rezone the property."

Committee Member S. Davis: "Move for approval"

Committee Member Pinckney: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve prior to First Reading, the Request by Howard & Kay Krauss.** The motion passed by unanimous voice vote of the Committee.

B. Review prior to Second Reading of the following:

1. Bill No. 10-34, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lloyd Driggers, Jr., 2106 South Live Oak Drive, Moncks Corner, TMS #180-14-01-038 (2.75 +/- acres), from GC, General Commercial District, to R-2, Manufactured Residential District. Council District No. 6.

Committee Member Schurlknight: "Move for approval"

Committee Member Fish: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member Fish to **approve prior to Second Reading, Bill No. 10-34.** The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 10-36**, an **ordinance** to amend certain sections of **Ordinance No. 09-11-55**, the Arterial Roads Overlay Ordinance and **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards Ordinance, as amended, adding arterial roads to the overlay district and providing for the regulation of temporary signage within the overlay district.

Committee Member C. Davis: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** prior to **Second Reading, Bill No. 10-36**. The motion passed by unanimous voice vote of the Committee.

C. **Review** prior to **Third Reading** of the following:

1. **Bill No. 10-30**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Danny Baston**, 230 Royle Road, Ladson, TMS #242-00-02-055, (10.99 +/- acres), **from GC, General Commercial District to LI, Light Industrial District**. Council District No. 4.

Committee Member C. Davis: "Move for approval"

Committee Member S. Davis: "Second"

Committee Member Pinckney: "You said light industrial."

Chairman Farley: "It is light industrial. It was a misprint."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 10-30**. The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 10-31**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John and Lucretia Winningham**, 1613 & 1621 South Live Oak Drive, Moncks Corner, TMS #161-14-00-024, (0.45 acres), and #161-14-00-025, (0.35 acres), **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 6.

Committee Member Schurlknight: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 10-31**. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 10-32, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Johnnie Capers** for **Leonard Boyd and Jack Pryor**, 1116 Old Gilliard Rd, Ridgeville, **TMS #175-00-01-064**, (0.227 acres), **from F-1, Agricultural District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

Committee Member Pinckney: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Pinckney and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 10-32**. The motion passed by unanimous voice vote of the Committee.

4. Bill No. 10-33, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Earthsource Engineering** for **Shirley Huggins and John Avinger**, located on Clements Ferry Road across the street from Marina Drive, Charleston, **TMS #271-00-02-174 and 029**, (58.10 acres), **from GC, General Commercial District and R-4, Multi-Family District, Small Scale, to PDMU, Planned Development Mixed Use District**. Council District No. 8.

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 10-33**. The motion passed by unanimous voice vote of the Committee.

Committee Member Schurlknight: “Move for adjournment.”

Committee Member S. Davis: “Second”

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:19 pm.

October 11, 2010
Date Approved

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday September 13, 2010**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES

August 9, 2010

A. Consideration prior to First Reading of the following:

1. Request by Daniel Gowdown & Franklin Hanna for Royal Palmetto Properties, 129 Harvest Time Place, Daniel Island, **TMS #271-00-02-184** (1.03 acres), **from R1-MM, Multi-section Residential District to GC, General Commercial District.** Council District No. 8.

[Staff recommended Denial]

[Planning Commission recommended conditional approval]

2. Request by Marion & Kelley Hall, located 400 +/- L.F. northwest from the intersection of State Road & Alexander Circle, Summerville, **TMS #209-02-01-067** (1.02 acres), **from R2, Manufactured Residential District to RNC, Rural & Neighborhood Commercial District.** Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended approval]

3. Request by Nathaniel Myers, 2538 Clements Ferry Road, Charleston, TMS #271-00-01-034 (7.82 Acres) from GC, General Commercial to LI, Light Industrial. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

4. Request by Howard & Kay Krauss, 2491 Clements Ferry Road, Charleston, TMS #271-00-02-148 (2.252 acres) from GC, General Commercial District to LI, Light Industrial District. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

B. Review prior to Second Reading of the following:

1. Bill No. 10-34, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lloyd Driggers, Jr., 2106 South Live Oak Drive, Moncks Corner, TMS #180-14-01-038 (2.75 +/- acres), from GC, General Commercial District, to R-2, Manufactured Residential District. Council District No. 6.

2. Bill No. 10-36, an ordinance to amend certain sections of Ordinance No. 09-11-55, the Arterial Roads Overlay Ordinance and Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, adding arterial roads to the overlay district and providing for the regulation of temporary signage within the overlay district.

C. Review prior to Third Reading of the following:

1. Bill No. 10-30, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Danny Baston, 230 Royle Road, Ladson, TMS #242-00-02-055, (10.99 +/- acres), from GC, General Commercial District to HI, Heavy Industrial District. Council District No. 4.

2. Bill No. 10-31, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: John and Lucretia Winningham, 1613 & 1621 South Live Oak Drive, Moncks Corner, TMS #161-14-00-024, (0.45 acres), and #161-14-00-025, (0.35 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 6.

3. Bill No. 10-32, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Johnnie Capers for Leonard Boyd and Jack Pryor, 1116 Old Gilliard Rd, Ridgeville, TMS #175-00-01-064, (0.227 acres), from F-1, Agricultural District to RNC, Rural & Neighborhood Commercial District. Council District No. 7.

4. Bill No. 10-33, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Earthsource Engineering for Shirley Huggins

and John Avinger, located on Clements Ferry Road across the street from Marina Drive, Charleston, **TMS #271-00-02-174 and 029**, (58.10 acres), **from GC, General Commercial District and R-4, Multi-Family District, Small Scale, to PDMU, Planned Development Mixed Use District**. Council District No. 8.

September 8, 2010
S/Barbara B. Austin, CCC
Clerk of County Council